

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:

**JRMC REAL ESTATE, INC.
ESCONDIDO RESEARCH &
TECHNOLOGY CENTER
WDID NO. 37S320081**

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**REQUIRED TECHNICAL REPORT
ORDER NO. R9-2005-0182**

June 21, 2005

The California Regional Water Quality Control Board, San Diego Region (Regional Board) finds that:

1. The State Water Resources Control Board (hereafter State Board) issued updated statewide general waste discharge requirements for discharges of storm water runoff associated with construction activities involving disturbance of one acre of soil, or more. *Order No. 99-08-DWQ, NPDES No. CAS000002.*
2. JRMC Real Estate, Inc. (JRMC) owns approximately 180 acres of property described as the Escondido Research and Technology Center (ERTC) project located in the vicinity of Vineyard Avenue and Harmony Grove Road in Escondido, California. JRMC filed a "Notice of Intent" (NOI) as required by Section A.2 of Order No. 99-08-DWQ on February 6, 2003 (WDID No. 9 37S320081).
3. From February 22, 2004 to present, the Regional Board has documented JRMC's violation of Order No. 99-08-DWQ, specifically failure to implement Best Management Practices (BMPs) to the Best Available Technology/Best Conventional Technology (BAT/BCT) standard, as well as the failure to prohibit the discharge of sediment laden storm water runoff from entering Escondido Creek either directly or indirectly via the City of Escondido's municipal separate storm sewer system (MS4).
4. In particular, the Regional Board documented numerous discharges of highly turbid waters from JRMC's desiltation basins located at Kauana Loa Drive, Enterprise Street, and Vineyard Avenue. Based upon the quality and physical appearance of the basin discharges, the Regional Board alleges that the basins were inadequately designed and installed.
5. From November 21, 2004 to present, the Regional Board has documented JRMC's violation of Cleanup and Abatement Order (CAO) No. R9-2004-0420, specifically JRMC's failure to sample storm water runoff and assess the effectiveness of BMPs after storm events, and to report their findings to the Regional Board.
6. On March 10, 2005, the Executive Officer issued Administrative Civil Liability (ACL) Complaint No. R9-2005-0059 to JRMC for the violations alleged above. The Regional Board pursuant to Water Code section 13385 considers factors in determining liability; several of these factors deal with the discharger economic status such as "ability to pay, the

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effect on its ability to continue its business,...economic benefit or savings, if any resulting from the violation.”

7. In a letter dated May 18, 2005, JRM Real Estate, Inc. stated that it is not responsible, or is only partially responsible for the sediment discharges alleged in ACL Complaint No. R9-2005-0059 because JRM Real Estate, Inc. neither owns nor controls the properties in which the discharges emanated.
8. In an effort to fully understand the extent, character and factual circumstances surrounding the alleged violations, as well as their potential causes, the Regional Board is now investigating the conditions of the ERTC site during the violation period. In order for the Regional Board to conclude its investigation, additional information is needed from JRM Real Estate, Inc.

IT IS HEREBY ORDERED that, pursuant to Water Code section 13267 and 13383 of the California Water Code, JRM Real Estate, Inc. conduct a technical investigation, and prepare and submit a technical report to the Regional Board, no later than **July 21, 2005**. The technical report shall contain, but not be limited to, the following information:

1. Documentation supporting JRM Real Estate, Inc.’s assertion that it is not responsible, or only partially responsible for the sediment discharges alleged in ACL Complaint No. R9-2005-0059 because JRM Real Estate, Inc. neither owns nor controls the properties in which the discharges emanated;
2. Further documentation supporting JRM Real Estate, Inc.’s assertion stated above as it relates to the Regional Board’s allegation that JRM Real Estate, Inc. failed to implement a Storm Water Pollution Prevention Plan (SWPPP) to the BAT/BCT standard;
3. An engineering analysis of the design and installation of desiltation basins at the ERTC site during the 2004/2005 wet season, specifically whether the basins complied with Order No. 99-08-DWQ; and
4. JRM Real Estate, Inc.’s “ability to pay, the effect on its ability to continue its business, ...economic benefit or savings, if any resulting from the violation” related to the proposed liability in ACL Complaint No. R9-2005-0059. Information should include the projected profit that JRM Real Estate, Inc. expects from the completion of the ERTC project, the current value of the land and development, the money saved by JRM Real Estate, Inc. for failing to comply with Order No. 99-08-DWQ.

The submitted report shall include the following signed certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false

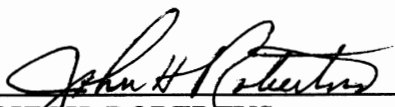
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information, including the possibility of fine and imprisonment for knowing violations.

Any additional information not specifically requested should be submitted by **July 20, 2005**.

Failure to submit the above information by the date requested may result in the imposition of administrative civil liability pursuant to California Water Code sections 13268 or 13385.



JOHN H. ROBERTUS
Executive Officer